IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE C .V. RAMULU

WRIT PETITION NO : 14271 of 2004

DATED: 11.7.2007

Between:

M/s Sandeep Road Carriers
petitioner

And

National Highways Authority of India
(Ministry of Road Transport & Highways)
Project Implementation Unit at
6010132/65, Skandagiri New Water Tank
Padmaraonagar, Secunderabad & another Respondents

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ORDER:

It appears that the petitioner is in possession and enjoyment of Ac.2.00 land in survey No. 863 and 864 of Medchal village abutting National Highway No.7 and offered an extent of 4,444 sq.yards to the second respondent corporation on lease for establishing a petroleum retail outlet for a period of 30 years subject to the conditions stipulated in the registered lease deed. In view of the said lease deed and in pursuance of the application dated 12.11.2003, the second respondent corporation has issued a letter of intent dated 22.12.2003 permitting the petitioner to establish and run a petroleum retail outlet at the said place. However, in view of the fact that establishment of petroleum retail outlet requires permission from the National Highway Authority, the petitioner made an application for permission/no objection certificate and the same was rejected by order dated 10.4.2004 on the ground that it is located within one kilometer distance from the other two petroleum retail outlets. However, alleging that the said objection is not proper and factually incorrect, the petitioner made another representation dated 15.4.2004 and the same was rejected by National Highway Authority by order dated 3.5.2004 stating that the service road has to be constructed, if a new retail outlet has to be established within one kilometer distance on existing retail outlet but in

this case the service road cannot be constructed since the Hyderabad Urban Development Authority (for short HUDA) has grown row of trees on either sides of National Highway. Therefore the proposal was again rejected. Aggrieved by the same the present writ petition is filed.

The learned counsel for petitioner submitted that the reasons mentioned in the first rejection order as well as the second rejection order are not valid under the law and in fact HUDA has already permitted the petitioner to locate the petroleum retail outlet in the premises and therefore rejection of the request of the petitioner for establishment of petroleum retail outlet is illegal. It is further stated that the petitioner has made a further detailed representation dated 27.5.2004 and the same is pending.

Be that as it may, now it is the case of the petitioner that he has already made a detailed representation dated 27.5.2004 and the same is pending and has not acted upon till date. Hence, without expressing any opinion on the merits of the matter, the first respondent is directed to dispose of the representation purported to have been made by the petitioner on 27.5.2004 in accordance with law expeditiously, preferably within a period of six weeks from the date of receipt of this order and communicate the result of the same to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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C.V.RAMULU ,J

DATE: 11.7.2007
tvk

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